

## **Article VI. Historic Preservation and Urban Design**

<b>Division 1 General .....</b>	<b>3</b>
35-601 Purpose .....	3
35-602 Administration .....	3
<b>Division 2 Historic Preservation .....</b>	<b>4</b>
35-605 Designation of Historic Districts .....	4
35-606 Designation of Historic Landmarks .....	6
35-607 Designation Criteria for Historic Districts and Landmarks .....	9
35-608 Criteria for Certificate of Appropriateness - Generally .....	11
35-609 Criteria for Certificate of Appropriateness - New construction .....	12
35-610 Alteration, restoration, and rehabilitation .....	18
35-611 Ordinary repair and maintenance .....	19
35-612 Signs and billboards .....	19
35-613 Relocation of a landmark or property located in an historic district .....	23
35-614 Demolition .....	23
35-615 Prevention of demolition by neglect .....	27
35-616 Treatment of site following demolition .....	28
35-617 Public safety hazards and emergency securing measures .....	28
35-618 Tax Exemption Qualifications .....	29
<b>Division 3 Archaeological Sites and Cemeteries .....</b>	<b>33</b>
35-630 Designated archaeological sites .....	33
35-631 Inventoried archaeological sites .....	33
35-632 Unidentified archaeological sites .....	34
35-633 Miscellaneous Provisions .....	35
35-634 Cemeteries .....	35
<b>Division 4 Public Property .....</b>	<b>36</b>
35-640 Public property and rights-of-way .....	36
35-641 Design considerations for Historic and Design Review Commission recommendations .....	36
35-642 New construction of buildings and facilities .....	36
35-643 Alteration, restoration, and rehabilitation .....	38
35-644 Ordinary repair and maintenance .....	39
35-645 Signs and billboards .....	39
35-646 Construction in public rights-of-way .....	40
<b>Division 5 Public Art &amp; Design Enhancement Program .....</b>	<b>43</b>
35-650 Funding .....	43
35-651 Eligible and Ineligible Design Enhancements .....	45
35-652 Responsibilities .....	45
35-653 Selection of Artists .....	48
35-654 Guidelines for Temporary Exhibits and Events .....	51
35-655 Guidelines for Gifts and Loans .....	52
35-656 Guidelines for the Review and Deaccessioning of Art .....	53
35-657 Community Outreach .....	54
35-658 Local and Non-Local Artists .....	55

*The city council hereby recognizes that the City of San Antonio is internationally known for its beauty, friendliness, and historical significance. It is a noteworthy example of the confluence of diverse cultures in the New World. San Antonio is also uniquely blessed by its winding, meandering River. The River lends an incomparable quaintness and romantic charm especially to the central business district, a fact that has long made it one of our city's principal tourist attractions. San Antonio's unique qualities have proven increasingly attractive to residents, business interests, and tourists.*

*As a matter of public policy the council aims to preserve, enhance, and perpetuate those aspects of the city and the San Antonio River having historical, cultural, architectural and archaeological merit. Such preservation promotes and protects the health, safety, prosperity, education, comfort, and general welfare of the people living in and visiting San Antonio. More specifically, this article is designed to achieve the following goals:*

- *To preserve, protect, and enhance historically, culturally, architecturally, and archaeologically significant sites and structures which impart a distinct aspect to the city and serve as visible reminders of the city's culture and heritage;*
- *To promote the economic prosperity and welfare of the community by conserving the value of historic districts, landmark buildings, the River Walk, plus property and art owned by the City of San Antonio by encouraging the most appropriate use of such property within the City;*
- *To recognize and protect the unique and distinctive character and qualities of the San Antonio River, as well as the sedate and vibrant atmosphere of the river and River Walk area, and its integral relationship to the City of San Antonio;*
- *To preserve the ecoclimate of the San Antonio River and the River Walk, ensuring that existing and indigenous plant life is protected from unnecessary stress through shading by inappropriate construction, noise, excess water and drainage run-off, or other forms of pollution;*
- *To strengthen civic pride through neighborhood preservation;*
- *To recognize, protect and strengthen the unique design character of individual historic districts and individual areas of the city;*
- *To provide a review process for the appropriate preservation and development of important historical, architectural, archaeological, and cultural resources;*
- *To ensure the harmonious, orderly, and efficient growth and development of the city;*
- *To maintain a generally compatible outward appearance of both historic and modern structures through complementary scale, form, color, proportion, texture, and material;*
- *To establish the highest urban design standards for public property including public buildings and public spaces so that the evident public commitment to quality design encourages and inspires by example a corresponding commitment by the private sector; and*

- *To adopt criteria and procedures for data investigation and identification of resources as set forth in the City of San Antonio's Significant Resources Survey Report, adopted by city council on April 14, 1983.*

## **Division 1      General**

### **35-601      Purpose.**

The purpose of this Article is to provide the standards and criteria for protection for the City's historic, cultural, archaeological and artistic resources.

### **36-602      Administration**

#### **(a)      Notification of affected property owners.**

Prior to Historic and Design Review Commission consideration of any property for historic designation, or removing or upgrading the designation of historic, as it applies to a district or landmark, the Historic Preservation OfficerHistoric Preservation Officer shall send notice of the fact by mail to the owner or owners of affected property, stating reasons for recommendation. Upon passage of any ordinance designating as historic, or removing or upgrading the designation of historic, as it applies to a district or landmark, the city clerk shall send notice of the fact by mail to the owner or owners of affected property. This action shall be in addition to notice given prior to public hearing as set forth under the city's Zoning Code.

#### **(b)      Recommendations of designation.**

Recommendations for landmark or historic district designation are made by the Historic and Design Review Commission to the city council through the Zoning Commission. A request for historic district designation requires concurrence of a majority of the property owners within the district, while designation of an historic landmark requires concurrence of the property owner. Notwithstanding the foregoing, a request for landmark or historic district designation may be made by the city. To the extent that this paragraph conflicts with any other provisions of this Code, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register Landmarks or Districts, State Historic Landmarks or Sites, or State Archaeological Landmarks or Sites.

#### **(c)      Initiation**

Requests for designation shall be made on a form obtained from the city Historic Preservation OfficerHistoric Preservation Officer. Completed request forms shall be returned in to the office of the city Historic Preservation OfficerHistoric Preservation Officer for processing. In the event the Historic and Design Review Commission does not recommend an applicant's request for designation of a resource, the applicant may petition the zoning commission for a hearing, following procedures set forth in § 35-421 of this Chapter (Zoning Amendments).

**(d) Issuance of Certificates of Appropriateness or Other Permits**

See Division 5 of Article 4 of this Chapter.

## **Division 2 Historic Preservation**

*This Division implements the following provisions of the Master Plan:*

- *Preserve and enhance the City's historic resources (Urban Design, Goal 2)*
- *Promote the development of major public and private facilities which support the downtown neighborhood and historic resources (Neighborhoods, policy 5c).*
- *Create and adopt urban design guidelines and standards that will enhance the quality of life in San Antonio, and which specifically encourage ... preservation and enhancement of the City's important historic and cultural characteristics, including architectural styles and historic districts.*

### **35-605 Designation of Historic Districts**

**(a) Authority**

The city council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts and certain places, buildings, objects, sites, structures, or clusters as exceptional or significant historic landmarks. Such districts shall bear the work "historic" in their zoning designation; such landmarks shall bear the words "historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation. The procedure for designation shall be subject to notice as prescribed in Article 4 of this Chapter for a zoning amendment, and shall conform to the federal and state constitution.

**(b) Processing Applications for Designation of Historic Districts****(1) Initiation**

Any person, the Zoning Commission, the Director, the Historic Preservation Officer, the Historic and Design Review Commission, Zoning Commission, Planning Director, or the City Council may initiate an historic district designation by filing an application with the Historic Preservation Officer. Requests for historic district designation must have the concurrence of the owners representing at least fifty-one (51) percent of the property or fifty-one (51) percent of the property owners located within the boundaries of the proposed historic district. Notwithstanding the foregoing, a request for historic district designation may be made by the City Council. To the extent that this paragraph conflicts with any other provisions of this Code, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register Landmarks or Districts, State Historic Landmarks or Sites, or State Archaeological Landmarks or Sites.

**(2) Completeness Review**

See § 35-402 of this Chapter. For purposes of this Section and § 35-402(c), the Historic Preservation Officer is the administrative official with original jurisdiction to review an application for completeness.

**(3) Decision**

The Historic Preservation Officer shall forward the Application to the Historic and Design Review Commission for a hearing and initial recommendation. The Historic Preservation Officer shall notify all property owners within a proposed historic district boundary prior to the Historic and Design Review Commission hearing on the historic district designation. The Historic and Design Review Commission shall make its recommendation, to be forwarded to the zoning commission within thirty (30) days from date of submittal of the designation request by the Historic Preservation Officer. Upon recommendation of the Historic and Design Review Commission, the proposed historic district designation shall be submitted to the zoning commission. The Zoning Commission and the City Council shall process the Application as prescribed in § 35-421 of this Chapter and this Section. The Zoning Commission shall schedule a hearing on the Historic and Design Review Commission's recommendation to be held within forty-five (45) days of receipt of the Historic and Design Review Commission's recommendation and shall forward its recommendation to the City Council. The City Council shall schedule a hearing to be held within forty-five (45) days of its receipt of the Zoning Commission's recommendation. The City Council shall review and shall approve or deny the proposed historic district.

**(4) Criteria**

Designations of historic districts shall be made considering criteria enumerated in § 35-607 of this division.

**(5) Recordation**

Upon designation of an area as an historic district, the city council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, the House Numbering Section of the City of San Antonio's Department of Building Inspections, and on the City of San Antonio's official zoning maps. All zoning maps shall reflect all historic districts by inclusion of the prefix "H" to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.

**(c) Historic districts previously designated by city council.**

Any area heretofore designated by the city council as an historic district under any pre-existing ordinance of the City of San Antonio shall be deemed an historic district under this ordinance and shall continue to bear the prefix "H" in its zoning designation.

**(d) Historic District Guidelines**

The City Council may, from time to time, designate specific guidelines for particular historic districts. Where such guidelines have been promulgated, the guidelines will be incorporated by reference in Appendix F to this Chapter. The designation shall include the formal name of the district, a legal description of the boundaries of the district, and a cross-reference to the design guidelines. Where such design guidelines have been adopted, no Application for Development Approval shall be approved unless

the proposed development is consistent with the design guidelines. Proposed Developments shall comply with the design guidelines in addition to the criteria set forth in §§ [35-608](#) to [35-613](#) of this Chapter provided, however, to the extent that there is any inconsistency between a provision of §§ [35-608](#) to [35-613](#) and a design guideline, the design guidelines shall control. If no design guidelines have been adopted for an historic district, the Proposed Development shall conform to the criteria set forth in §§ [35-608](#) to [35-613](#) of this Chapter.

## **35-606      *Designation of Historic Landmarks***

### **(a)      *Applicability***

Requests for landmark designation may only be made by or with the concurrence of the property owner. Notwithstanding the foregoing, a request for landmark district designation may be made by the City Council. To the extent that this paragraph conflicts with any other provisions of this Code, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register Landmarks or Districts, State Historic Landmarks or Sites, or State Archaeological Landmarks or Sites.

### **(b)      *Designation of historic landmarks.***

#### **(1)      *Initiation***

Any person, the Historic and Design Review Commission, Zoning Commission, the Director, the Historic Preservation OfficerHistoric Preservation Officer, or the City Council may initiate an historic landmark designation by filing an application with the Historic Preservation Officer

#### **(2)      *Completeness Review***

See [§ 35-402](#) of this Chapter. For purposes of this Section and § 35-402(c), the Historic Preservation Officer is the administrative official with original jurisdiction to review an application for completeness.

#### **(3)      *Decision***

The Historic Preservation OfficerHistoric Preservation Officer shall refer an application for historic landmark designation to the Historic and Design Review Commission. Property owners of proposed historic landmarks shall be notified by certified mail with return receipt requested prior to an Historic and Design Review Commission hearing for historic landmark designation. The Historic and Design Review Commission shall make its recommendation, to be forwarded to the zoning commission within thirty (30) days from date of submittal of designation request by the Historic Preservation OfficerHistoric Preservation Officer. The recommendation shall be made by a two-thirds (2/3) vote of the commission. Upon submittal of the Historic and Design Review Commission's recommendation, the proposed historic landmark designation shall be submitted to the zoning commission for its review and recommendations. Upon recommendation of the Historic and Design Review Commission, the proposed historic district designation shall be submitted to the zoning commission. The Zoning Commission and the City Council shall process the Application as prescribed in § 35-421 of this Chapter and this Section. The zoning commission shall schedule a hearing on the Historic and Design Review Commission recommendation to

be held within forty-five (45) days of receipt of such recommendation and shall forward its recommendation to city council which shall schedule a hearing to be held within forty-five (45) days of council's receipt of such recommendation.

**(4) Criteria**

Designations of exceptional and significant historic landmarks shall be made considering criteria enumerated in § 35-607 of this division.

**(5) Recordation**

Upon designation of a building, object, site, structure, or cluster as an exceptional or significant historic landmark, the city council shall cause this designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, the House Numbering Section of the City of San Antonio's Department of Building Inspections, and on the City of San Antonio's official zoning maps. Still further, for purposes of clarity in the zoning designation of property, all zoning maps shall reflect exceptional and significant historic landmarks or property in historic districts by inclusion of the words "historic, exceptional" (HE) or "historic, significant" (HS) as a prefix to its use designation as specified in accordance with the general zoning ordinance of the City of San Antonio.

**(c) Resources not designated by initial ordinance.**

**(1) Previously inventoried resources.**

Resources previously inventoried by the Historic and Design Review Commission but not rated due to age, shall be reviewed upon reaching twenty-five (25) years of age by the commission applying criteria set forth in § 35-607 to determine significance if any. When a resource is found to meet criteria for an exceptional or significant rating, the Historic and Design Review Commission at that time shall recommend through the zoning commission to city council the designation of such resources following the procedures set forth in subsection (a) of this Section. Resources listed on federal, state or city inventories, but unrated by the Historic and Design Review Commission shall be identified in city records.

**(2) Uninventoried resources.**

As required under the Certified Local Government (CLG) program of the National Park Service and the Texas Historical Commission, the Historic and Design Review Commission on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the city to determine cultural, architectural, historical, or archaeological significance, applying the criteria of [§ 35-607](#). For such inventories, the commission shall rate the resources as exceptional, significant, not significant or not rated. Those buildings, objects, sites or structures found by the board to meet the criteria for exceptional or significant landmarks shall be recommended for designation following the procedures in subsection (a) of this Section.

**(3) Other resources.**

If any building, object, site, structure or cluster is thought to be of historical, architectural, or cultural significance, the Historic Preservation Officer, following an initial investigation of the resource, shall refer the matter to the Historic and Design Review Commission for a detailed study, review, and official



determination of the historical, architectural, or cultural status of the building, object, site, structure, or cluster in accordance with the criteria and procedures established in this ordinance.

**(d) *Historic landmarks previously designated by city council.***

All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated exceptional historic landmarks under this ordinance and shall continue to bear the word "historic" (H) in their zoning designation.

**(e) *Other landmarks and districts previously designated.***

All National Register Districts or Landmarks, State Historic Landmarks or Sites, or State Archaeological Landmarks and Sites shall be accorded the protection of properties designated exceptional historic landmarks and districts.

**(f) *Use of property designated historic.***

Nothing contained in this article or in the designation of property as being a historic landmark or in a historic district shall affect the present legal use of property. Use classifications as to all such property shall continue to be governed by the general zoning ordinance of the City of San Antonio and the procedures therein established. In no case, however, shall any use be permitted which requires the demolition, relocation, or alteration of historic landmarks or of any buildings or structures in a historic district so as to adversely affect the character of the district or historic landmark, except upon compliance with the terms of this article. No provision herein shall be construed as prohibiting a property owner from continuing to use property for a Nonconforming Use.

**(g) *Removal of designation.***

Upon recommendation of the Historic and Design Review Commission based upon new and compelling evidence and negative evaluation according to the same criteria and following the same procedures set forth herein for designation, a designation made under subsection (a) of this Section may be removed by city council following recommendation by the Historic and Design Review Commission.

**(h) *Changes in evaluation.***

The Historic and Design Review Commission may reconsider a previous evaluation of a resource if additional data is provided and a new evaluation is made using the criteria set forth herein. When such a resource meets the criteria for significant or exceptional based on all documentation provided, the Historic and Design Review Commission may recommend a change in designation. Following the same procedures set forth herein in subsection (a) of this section for designation, the city council may change a designation upon recommendation of the Historic and Design Review Commission.



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**35-607      *Designation Criteria for Historic Districts and Landmarks*****(a)      *Process and criteria for considering designation of historic districts and landmarks.***

- (1)      The first step in the designation process is to apply the criteria which follow standards set forth by federal, state, and city regulations for evaluating cultural properties. These criteria are to assure that resources are preserved through restoration and adaptive use and to provide that conservation and development interests can consider resources early in the planning process.
- (2)      The criteria applied to evaluate properties for inclusion in the National Register Designation Guidelines shall be followed as a guide for evaluating cultural resource properties.
- (3)      The criteria applied to evaluate properties for inclusion in the National Register Designation Guidelines shall be applied for evaluating the designation of historic districts and historic landmarks, substituting the importance of the resource to San Antonio and Texas rather than the importance to the nation as a whole. As with federal regulation, these criteria are intentionally worded to provide for the diversity of historic resources within the city.

**(b)      *Initial Evaluation***

To qualify for ***initial evaluation*** of an historic district or landmark, at least one of the following criteria shall be met:

- (1)      Its value as a visible reminder of the cultural heritage of the community, or national event;
- (2)      Its location as a site of a significant local, county, state, or national event;
- (3)      Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;
- (4)      Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;
- (5)      Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (6)      Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;
- (7)      Its unique location or singular physical characteristics that make it an established or familiar visual feature;
- (8)      Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;
- (9)      Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development; and

- (10) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.

**(c) Final Evaluation**

When one or more of the above criteria is met, the second step in the designation process shall consider the following criteria:

**(1) For architectural and historic resources:**

- A. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;
- B. Properties which are determined to contribute to a San Antonio historic district;
- C. Buildings, objects or structures which constitute a particular or unique example of an architectural type or historic period;
- D. Architectural curiosities, one-of-a-kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by or internationally known architects or master builders and important works by minor ones; and
- E. Resources associated with family persons important to the history of San Antonio.

**(2) For cultural resources:**

- A. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years;
- B. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;
- C. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;
- D. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period; and
- E. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines.

**(3) Significant to the environment of the city.**

- A. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;
- B. Unrelated structures that represent an historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;
- C. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location;
- D. Resources that contribute significantly to the historic character of the scene, reinforcing the architectural value of a more important structure or resource;
- E. Resources and structures which establish a neighborhood identity by creating a continuity within a area by reinforcing a cluster or significant buildings or the river scene; and
- F. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, special vistas associated throughout city development patterns in and near plazas, parks and river banks.

**35-608 Criteria for Certificate of Appropriateness - Generally**

In reviewing an application for a certificate of appropriateness, the Historic and Design Review Commission shall consider the current needs of the property owner. The Historic and Design Review Commission shall also consider whether the plans will be reasonable for the property owner to carry out.

### **35-609      *Criteria for Certificate of Appropriateness - New construction.***

In considering whether to recommend approval or disapproval of an application for a certificate for new construction in an historic district, the Historic and Design Review Commission shall be guided by the National Park Service (NPS) Guidelines and by the compatibility standards set forth below. In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face both a street and the San Antonio River, the Historic and Design Review Commission shall consider the visual compatibility standards below with respect to each facade.

**(a)      *Site and setting.***

Where an historic resource is intended to be used as any part of a development, the developer shall consider the context of the resource's original site and the importance of the setting in the new development. In some instances, a resource will occupy the full site and limit development opportunities to rehabilitation, renovation or restoration for adaptive reuse. In instances where a resource occupies less than a full site, greater flexibility will be available for new development that incorporates the resource into the project.



**(b)      *Building height and massing.***

The purpose of the following standards are to ensure that:

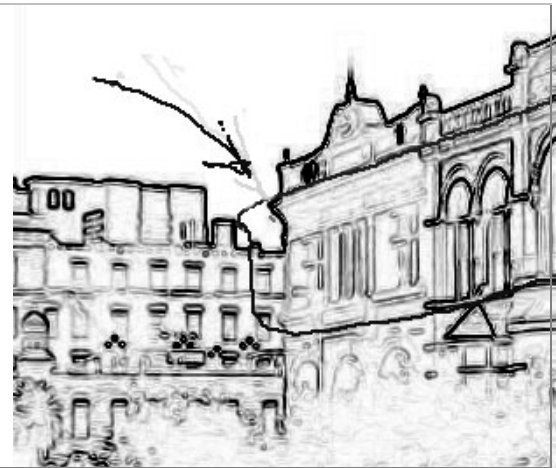
- (1) Height at street level is visually compatible with adjacent buildings;
- (2) The apparent physical size, scale and height relates to existing resources without overwhelming them;
- (3) New buildings reflect contemporary design standards while using elements that relate to the existing structures that surround the new structure; and
- (4) Building height, width, mass and proportion affect the degree of compatibility between the old and the new.

**(1)      *Massing***

New buildings shall conform in building height and massing to surrounding structures, as follows:

**PROPORTION OF WINDOWS, BAYS, AND DOORWAYS.**

Windows, porches, entryways, dormers, bays, pediments and doors shall be similar to adjacent contributing buildings. They shall be "similar" if (1) they vary no more than twenty-five percent (25%) in size and (2) maintain a similar height to width ratio that varies not more than ten percent (10%) from adjacent buildings.

**PROPORTION OF PRIMARY FACADE.**

The size of facades facing the public right-of-way are similar in area and height to width ratios. The size of the facade shall be considered "similar" if the proposed facade does not vary by more than thirty percent (30%) in circumference area from any adjoining façade. If this standard cannot be met because of the variation in size of two adjoining facades, the proposed building shall not vary by more than thirty percent (30%) from one of the adjoining facades, at the discretion of the applicant, if both adjoining facades are appurtenant to contributing properties. If only one adjoining façade is appurtenant to a contributing property, it shall take precedence. Facades immediately across the public right of way shall be considered "adjoining."



**DESIGN OF THE PRIMARY FAÇADE.**

The primary façade, in keeping with established patterns, shall have three (3) articulated architectural parts: a base, a middle, and a cap. The proportion of these three elements will vary depending on the scale of the building.

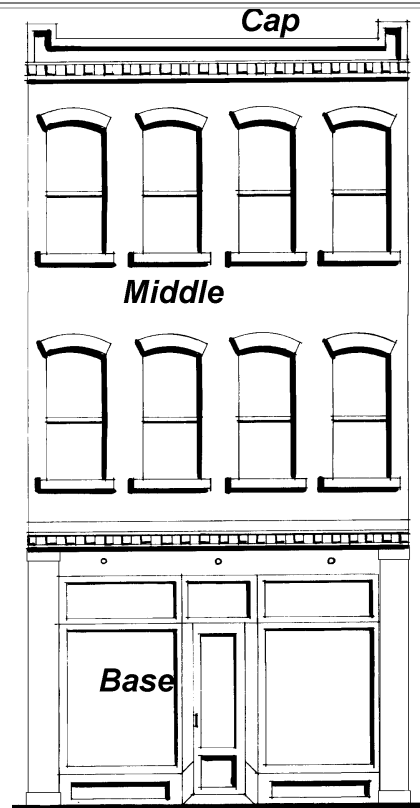


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**LOCATION AND TREATMENT OF ENTRYWAY.**

At least one entry way shall be provided along the front façade. Placement of entryways shall be similar to adjacent buildings. Entryways shall be considered "similar": (1) if they are placed in the relatively same position as adjacent buildings (centered, right, left) or in the case of multiple entrances they match similar patterns in spacing – not to exceed a thirty percent (30%) variation; and (2) are the same size or within thirty percent (30%) of adjacent entries; and (3) maintain similar height to width ratios not to exceed twenty five percent (25%) difference.





**BUILDING HEIGHT.**

Building height and configuration shall be compatible with the existing established scale in the immediate vicinity. If there is no more than a 50% variation in the scale of buildings on the adjacent block faces, the height of the new building shall not exceed the tallest building on the adjacent block face by more than ten percent (10%). If an existing pattern of building scale exists, such as tall buildings on the corners and shorter buildings in between, new construction shall conform to the established pattern.

**(c) Street Level Floor Areas**

The purpose of this subsection is to ensure that the width and height of windows, doors, and entries are visually compatible with buildings, structures, public ways, and places in the surrounding area.

**(1) Applicability**

The provisions of this subsection shall apply only to commercial properties.

**(2) Blank Walls**

No facade shall exceed forty (40) feet which is not penetrated by windows or entryways provided, however, that facades may exceed forty (40) feet without windows or entryways if they are divided into smaller bays which are compatible with the rhythm and scale of the facades adjoining the lot on the same side and opposite sides of the block. Said bays shall be considered "compatible" with the rhythm and scale of surrounding buildings if it does not exceed by more than thirty percent (30%) the average frontage of lots on the same side or opposite side of the block.

**(3) Street Access**

Street-level floor areas shall have direct access to the street or an arcade opening to the street;

**(4) Fenestration**

The building wall facing the street shall have at least fifty percent (50%) of the street-level façade area devoted to display windows/and or windows affording views into the interior areas. Windows shall be in similar proportion (height to width ratio) to adjacent contributing buildings, or with established patterns in the adjoining block faces. The windows shall have kick-plates below the display windows and transoms above the windows if that is the established pattern on the block face.



**(d) Relationship of solids to voids**

In order to ensure that the relationship of solid spaces (i.e., walls) to voids (i.e., windows/doors) in the front facade of a building or structure shall be visually compatible with buildings, structures, public ways in the environment surrounding the building, the following criteria shall apply:

- (1) The horizontal elements of new buildings, including window sills, moldings and midblock cornices, shall align with similar elements on adjoining buildings.
- (2) Windows shall maintain a similar proportion of width to height as windows on surrounding buildings.

Elements of adjoining buildings or windows shall be considered "similar" if they vary not more than three (3) feet in the vertical direction.



**Alignment of horizontal elements**

**(e) Relationship of materials, texture, and color.**

The relationship of materials, texture and color of the facade of a building or structure shall conform to the the predominant materials used in existing buildings or structures on the same block.

**(f) Roof shapes.**

The roof shape of a building or structure is a major distinguishing visual element. The structure shall incorporate a simple roof similar in form and type as those in the adjacent structures.



**Simple Roof Shapes**

**(g) Streetwalls / Urban Edge**

- (1) The purpose of this subsection is to ensure that appurtenances of a building or structure such as walls, fences, and landscape masses should, when it is the nature of the environment, form streetwalls, or cohesive walls of enclosure along a street, to insure visual compatibility with the buildings, structures, public ways, and places to which such elements are visually related.

**Streetwall**

- (2) In order to establish patterns of spacing within the immediate block face, the spacing between primary facades within an existing block face shall be similar. If few enough buildings exist to establish a pattern in the immediate block face, the block face pattern shall be established from the adjoining block faces. Block faces adjacent or immediately across the public right of way (street, plaza or river ) shall be considered "adjoining." The spacing shall be considered "similar" if the spacing does not vary more than thirty percent (30%) of the average distance between existing facades along the same block face or adjoining block faces.

**(h) Signage.**

Signs shall conform to Chapter 28 of the City Code and § 31-612 of this Chapter. Materials shall conform to those used for signs during the period of the building's construction, such as wood, wrought iron, steel, aluminum, and metal grill work. Newer materials such as plastic shall not be used. Signs shall be restricted to the following types, as defined in Chapter 28 of the City Code: Temporary Signs, Wall Signs, Window Signs, Projecting Signs, Awning Signs, Canopy Signs, or Marquee Signs. Pole Signs and Billboards shall not be erected in an Historic District. Signs shall not be erected above the cornice line or uppermost portion of a façade wall. Signs shall not disfigure or conceal architectural details.

**(i) Awnings and canopies.**

The primary purpose of an awning shall be to provide shade and weather protection to pedestrians.

**(1) Size and shape.**

Awnings shall be proportionate in shape and size to the scale of the building facade to which it will be attached. On historic landmarks or on older buildings, awnings shall be historically appropriate in design and materials.

**(2) Materials and lettering.**

Permitted materials for fabric awnings are fire resistant canvas or metal canopies.. Lettering on fabric awnings shall be permitted on the front flap only of the awning in a manner proportional to the awning size, but not to exceed one-half the area of the front flap. Symbols or logos may be allowed on the top of the awning not to exceed one-sixth of the square footage of the top of the awning. No internally illuminated awnings that glow are permitted provided, however, that illumination may be concealed in the awning to provide directional light to illuminate sidewalks or storefronts.

**(j) Accessory Uses**

Accessory uses shall not be permitted in the front yard. The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances. These should be designed with the overall environment in mind and should be in visual keeping with related buildings, structures and places.

### **35-610 Alteration, restoration, and rehabilitation.**

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure designated an historic landmark or located in a historic district, the Historic and Design Review Commission shall be guided by the NPS Guidelines in addition to any specific design guidelines included in this subdivision.

- (a) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (b) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.
- (c) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance are prohibited.
- (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
- (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic buildings materials shall not be undertaken.
- (h) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (j) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

### **35-611      *Ordinary repair and maintenance.***

Those activities which constitute ordinary repair and maintenance include but are not restricted to:

- (a) Repair using the same material and design as the original;
- (b) Repainting, using the same color;
- (c) Reroofing, using the same type and color of material; and
- (d) Repair of sidewalks and driveways using the same type and color of materials.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

### **35-612      *Signs and billboards.***

#### **(a)      *General provisions.***

All signage within an historic district or on a designated historic landmark shall conform to all city codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate application and recommendation to the director of planning. Signs should respect and respond to the historic character and period being preserved.

#### **(b)      *Proportion of signs.***

For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.

**(c) Number and size of signs.**

- (1) For buildings housing one business or service, one (1) major sign per facade per structure and two (2) minor signs shall be permitted in historic districts and on designated historic landmarks.
- (2) For buildings housing more than one business or service, the Historic and Design Review Commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet. The applicant is strongly advised to coordinate his signage plan with signage plans of other building tenants. It is also recommended that the building owner or his agent develop a master signage plan or signage guidelines for the total building or property.
- (3) For buildings located in an historic district and for all designated landmarks, the total area of signage shall not exceed thirty-six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet. However, in cases where the applicant clearly demonstrates need for additional signage, the Historic and Design Review Commission, keeping in mind the facade's proportions, may approve additional signage.

**(d) Prohibited signs.**

- (1) Billboards, junior billboards, portable signs, advertising benches and sandwich boards shall not be permitted within historic districts or on historic landmarks. Other signs which shall not be permitted within historic or on historic landmarks include:
- (2) Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;
- (3) Any sign which advertises commercial off-premises businesses, products, activities, services, or events;
- (4) Any sign which does not identify a business or service within the historic district or historic landmark;
- (5) Any sign which is abandoned for more than six (6) months or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
- (6) Any attachment to an already affixed sign which does not meet the provisions of the City Code;
- (7) Roof mounted signs, except in the cases of landmark signs or unless approved by the Historic and Design Review Commission in accordance with standards set forth in subsection (b) of this section.
- (8) Pole signs, as defined in Chapter 28 of the City Code.

**(e) Incidental signs.**

Allowable incidental signs, including sign designating business hours and street numbers, shall conform to standards outlined in this article and shall not be included in the total allowable per facade per structure.

**(f) Menu boards.**

Menu boards shall not exceed nine (9) square feet. Permanently displayed menus may be properly installed inside the business' window or in a Historic and Design Review Commission approved wall-mounted or freestanding display case adjacent to the business entrance.

**(g) Special purpose signs.**

All special purpose signs shall be approved by the Historic and Design Review Commission and shall be removed within thirty (30) days from the date of Historic and Design Review Commission approval unless otherwise specified by the Historic and Design Review Commission. If within the specified period the property owner feels there is a continued need for the special purpose sign, he or his representative shall schedule a hearing with the Historic and Design Review Commission to request additional display time.

**(h) Construction signs.**

One (1) construction sign, not to exceed thirty-two (32) square feet in area, shall be allowed per construction site.

**(i) Nongovernmental banners, pennants and flags,**

Excluding flags included as elements of an overall streetscape or design plan, non-governmental banners, pennants and flags are considered special purpose signs under the provisions of this article and are appropriate for advertising and decoration only during special events or celebrations. No permanent advertising may be handled in this way.

**(j) Promotional signs.**

Promotional signs not exceeding six (6) square feet advertising special events or promotions may be properly placed only on the inside of windows; such signs shall be removed promptly after an event is over. No off-premises events may be advertised in this manner; all off-premises advertising must be displayed where it is not visible from the public right-of-way.

**(k) Noncommercial speech signs.**

Noncommercial speech signs including but not limited to public service announcements may be erected in historic districts following approval by the Historic and Design Review Commission provided all regulations in this article are met.

**(l) Real estate signs.**

Residential real estate signs less than six (6) square feet in area and commercial real estate signs less than twenty (20) feet in area do not require Historic and Design Review Commission approval.



**(m) Temporary signs.**

Temporary signs shall be subject only to the provisions of Chapter 28 of the City Code.

**(n) Installation.**

Commercial signs, posters, decals or advertisements may not be tacked, nailed, pasted, or taped to any portion of a building, object, site or structure visible from the public right-of-way.

**(o) Violations.**

In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the department of building inspections shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the department of building inspections may file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the city attorney from seeking civil remedies.

**(p) Standards for sign design and placement.**

In considering whether to recommend approval or disapproval of an application for a permit to construct or alter signage on a building, object, site, or structure designated a historic landmark or located in an historic district, the Historic and Design Review Commission shall be guided by the following standards in addition to any specific design guidelines included within this subdivision.

- (1) Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall historic characteristic of the district and structure.
- (2) Signs, visual displays or graphics shall either relate to the historic district or advertise a bonafide business conducted in or on the premises.
- (3) The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion. All signs, excluding incidental and special purpose signs, shall be included in the total allowable signage per facade per structure. In buildings housing more than one business, the Historic and Design Review Commission may recommend directory signage. In the cases of signs with more than one sign face, including but not restricted to double-faced signs, back-to-back signs, overhanging signs, and projecting signs, each side of the sign shall be included in total allowable signage area.
- (4) Directory signs which describe, point, or direct the reader to a specific place or along a specific course, such as "entrance," "exit," and "handicap access" signs, as well as government signs, shall be reviewed by the Historic and Design Review Commission but shall not be included in total allowable signage area. Emergency signs shall be exempt from Historic and Design Review Commission approval.
- (5) All graphic elements shall reinforce the architectural integrity of any building. Signs should not disfigure, damage, mar, alter, or conceal architectural features or details and should be limited to sizes which are in scale with the architecture and the streetscape. Emblems and symbols of



identification used as principal structural or architectural design elements on a facade shall not be included in the total allowable signage per facade per structure when approved by the Historic and Design Review Commission. The Historic and Design Review Commission shall be guided by the building's proportion and scale when such elements are incorporated.

- (6) Graphics and signage may be illuminated by indirect, internal, or bare-bulb sources, providing that Glare is not produced; by indirect light sources concealed by a hood or diffuser; by internal illumination with standard opal glass or other translucent material or with an equal or smaller light transmission factor. All illumination shall be steady and stationary. Neon lighting shall be permitted when used as an integral architectural element or artwork appropriate to the site. For purposes of this subsection, "Glare" shall mean an illumination level of at least six (6) Lux at the property boundary.
- (7) All signs and components thereof shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters. All signs, components, supports and their surroundings shall be kept free of all sign materials, weeds, debris, trash, and other refuse. In addition, the sign owner shall comply with the provisions of this article as well as all other pertinent City Code and ordinances.
- (8) Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions, shall be awarded nonconforming status.

### **35-613      *Relocation of a landmark or property located in an historic district***

In considering whether to recommend approval or disapproval of an certificate application to relocate a building, object or structure designated an historic landmark or located in an historic district, the Historic and Design Review Commission shall be guided by the following considerations:

- (a) The historic character and aesthetic interest the building, structure or object contributes to its present setting;
- (b) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
- (c) Whether the building, structure, or object can be moved without significant damage to its physical integrity;
- (d) Whether the proposed relocation area is compatible with the historical and architectural character of the building, object, or structure.

### **35-614      *Demolition.***

*Demolition of an historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the*

*quality and character of the City's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.*

**(a) Applicability**

The provisions of this section apply to any application for demolition of an historic landmark or an historic district.

**(1) Exceptional historic landmark**

No certificate shall be issued for demolition of an exceptional historic landmark unless the applicant demonstrates to the satisfaction of the Historic and Design Review Commission clear and convincing evidence that an unreasonable economic hardship would be imposed on the applicant if the application for a certificate is disapproved.

**(2) Significant historic landmark**

No certificate shall be issued for demolition of a significant historic landmark unless the applicant demonstrates to the satisfaction of the Historic and Design Review Commission a preponderance of evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in the case of a significant historic landmark, the applicant may provide to the Historic and Design Review Commission additional information which may show unusual and compelling circumstances in order to receive a Historic and Design Review Commission recommendation for a certificate for demolition of the significant historic landmark.

**(3) Entire historic district**

If the applicant wishes to demolish an entire designated historic district, he has to provide to the satisfaction of the Historic and Design Review Commission clear and convincing evidence of economic hardship on the applicant if the application for a certificate is to be approved.

**(4) Property located in historic district and contributing to district although not designated a landmark**

No certificate shall be issued for property located in historic district and contributing to the district although not designated a landmark unless the applicant demonstrates to the satisfaction of the Historic and Design Review Commission a preponderance of evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide to the Historic and Design Review Commission additional information which may show unusual and compelling circumstances in order to receive a Historic and Design Review Commission recommendation for a certificate for demolition of the property.

**(b) Unreasonable economic hardship.**

**(1) Generally**

The Historic and Design Review Commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project.

**(2) Burden of Proof**

When a claim of unreasonable economic hardship is made due to the effect of this article, the owner must prove that he cannot realize a reasonable rate of return upon the value of his property.

**(3) Criteria**

The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the Historic and Design Review Commission. The Historic and Design Review Commission shall apply the test utilized by the Supreme Court of Texas in construing Article I, Sec. 17 of the Constitution of the State of Texas, 1876, as amended, in determining the existence of an unreasonable economic hardship. The owner shall submit by affidavit to the Historic Preservation Officer Historic Preservation Officer for transmittal to a constituted committee of the Historic and Design Review Commission for evaluation and recommendation to the full Historic and Design Review Commission at least the following information:

- A. The assessed value of the land and improvements thereon according to the two (2) most recent assessments, including any appeal adjusting value temporarily;
- B. Real estate taxes for the previous five (5) years;
- C. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired;
- D. Annual debt service, if any, for the previous five (5) years;
- E. All appraisals obtained within the previous five (5) years by the owner or applicant in connection with his purchase, financing or ownership of the property;
- F. Any listing of the property for sale or rent, price asked and offers received; if any;
- G. Any consideration by the owner as to profitable adaptive uses for the property;
- H. Replacement construction plans for the landmark in question;
- I. Financial proof of the ability to complete the replacement project which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution;
- J. The current fair market value of the property, as determined by at least two independent appraisals made by appraisers with competent credentials.

**(4) Additional Criteria for Income Producing Properties**

In addition, if the property is income producing:

- A. Annual gross income from the property for the previous five (5) years;
- B. Itemized operating and maintenance expenses for the previous five (5) years, including proof that adequate and competent management procedures were followed;
- C. Annual cash flow, if any, for the previous five (5) years; and
- D. Proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service.

**(5) Low-Income Homeowners**

When an low-income resident homeowner is unable to meet the requirements set forth in this section, then the Historic and Design Review Commission, at its own discretion, may waive some or all of the required information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the Historic and Design Review Commission cannot make a determination based on information submitted and an appraisal has not been provided, then the Historic and Design Review Commission shall request that an appraisal be made by the city.

**(c) Unusual and compelling circumstances and demolition of a significant historic landmark.**

When an applicant fails to prove unreasonable economic hardship in the case of a significant historic landmark, the applicant may provide to the Historic and Design Review Commission additional information which may show unusual and compelling circumstances in order to receive Historic and Design Review Commission recommendation of approval of the certificate as to the demolition of the significant historic landmark. The Historic and Design Review Commission, using criteria set forth in this article, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

- (1) The historic or architectural significance of the building, object, site, or structure;
- (2) The importance of the building, object, site, or structure to the integrity and character of an historic district;
- (3) The importance of the building, object, site, or structure to as part of a cluster within the historic district;
- (4) The difficulty or the impossibility of reproducing such a building, object, site, or structure because of its design, texture, material, detail, or unique location;
- (5) Whether the building, object, site, or structure is one of the last remaining examples of its kind in the neighborhood, the city, county, region, state, or nation;
- (6) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area as outlined in § 35-803(b) of this chapter as well as the economic impact of the new development;

- (7) Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect; and
- (8) Whether reasonable measures can be taken to relocate the building, object, structure to a new site.

For property located within an historic district, the Historic and Design Review Commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

### **35-615      *Prevention of demolition by neglect.***

#### **(a)      *Applicability***

All historic landmarks and all buildings, objects, sites, and structures found to have historical significance or located in an historic district shall be preserved against decay and deterioration and kept free from certain structural defects by the owner thereof or such other person or persons who may have legal custody and control thereof. The owner or other person having such legal custody and control, in keeping with the city's minimum housing standards, shall repair such building, object, site, or structure if it is found to have any of the following defects:

##### **(1)      *Deteriorated or inadequate foundation.***

Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;

##### **(2)      *Members of Walls***

Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

##### **(3)      *Members of Ceilings/Roofs***

Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective materials or deterioration. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

##### **(4)      *Fireplaces/chimneys***

Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

##### **(5)      *Weather protection***

Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors. Defective protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering. Any fault or defect in the building which renders same structurally unsafe or not properly watertight.

**(b) Compliance with Housing Codes**

In addition, the owner or other person having legal custody and control of an historic landmark or a building, object, site, or structure located in an historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the city's minimum housing codes and ordinances.

**(c) Enforcement**

- (1) The Historic and Design Review Commission, on its own initiative, may file a petition with the director of code compliance requesting that he proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by subsection (a) above so that such structure shall be preserved and protected in accordance with the purposes of this article and the public safety and housing ordinance.
- (2) If any building, object, site or structure covered by this subdivision shall have to be demolished as a public safety hazard and the owner thereof shall have received two (2) or more notices from the director of code compliance of building neglect in violation of this and other city ordinances, no application for a permit for a project on the property may be considered for a period of two years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by a city office during this period.

**35-616 Treatment of site following demolition.**

Following the demolition or removal of a historic landmark, a building, object or structure found eligible for landmark designation, or a building, object, or structure located in an historic district, the owner or other person having legal custody and control thereof shall (1) remove all traces of previous construction, including foundation, (2) grade, level, sod and seed the lot to prevent erosion and improve drainage, and (3) repair at his own expense any damage to public rights-of-way, including sidewalks, curbs and streets, that may have occurred in the course of removing the building, object, or structure and its appurtenances.

**35-617 Public safety hazards and emergency securing measures.**

- (a) No structure designated a landmark or located within an historic district may be demolished in whole or in part as a hazard to public safety until the Historic Preservation OfficerHistoric Preservation Officer has been notified by the appropriate municipal official that an order for such demolition is being prepared, and the Historic and Design Review Commission has had an opportunity to discuss with city officials the feasibility of emergency measures to secure the structure in such a manner as to preclude the possibility of injury to the public.

- (b) After emergency measures are undertaken, the city Historic Preservation OfficerHistoric Preservation Officer shall meet with the municipal officials wishing to issue the order for demolition to review the condition of the structure and the development of plans for its rehabilitation. If after one (1) month no feasible scheme for the further protection of the structure has been developed, the Historic and Design Review Commission shall make a recommendation for an order for demolition. When applicable, a recommendation about the feasibility of rehabilitation shall be made by the Historic and Design Review Commission based upon a report from the city Historic Preservation OfficerHistoric Preservation Officer and after consultation with the city attorney's office.

### **35-618 Tax Exemption Qualifications.**

**(a) Assessed Valuation**

In accordance with the provisions of this article, a building, site, or structure which meets the definition of an historically significant site in need of tax relief to encourage preservation and which is substantially rehabilitated and/or restored as certified by the Historic and Design Review Commission and approved by the city tax assessor-collector, shall have an assessed value for ad valorem taxation as follows:

- (1) A residential property shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.
- (2) A commercial property shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.

**(b) Applicability**

This exemption shall begin on the first day of the first tax year after verification of completion of the preservation required for certification; provided:

- (1) The building shall comply with the applicable zoning regulations for its use and location; and
- (2) The deed, grant, sale, bequest, devise or otherwise transfer of ownership in the property, except the donation of an historic easement on an exempt structure which donation shall qualify as a charitable contribution under Section 170(f)(3) of the Internal Revenue Code and its regulations as now exist or as they may hereafter be amended, shall cause the exemption provided herein to terminate on the last day of the tax year on which such transfer occurs.

**(c) Application.**

Application for an historic structure preservation tax exemption pursuant to this division is to be filed with the Historic and Design Review Commission. The Historic and Design Review Commission shall be the agent of the city for the purposes of administering this division. Each application shall be signed and sworn to by the owner of the property and shall:



- (1) State the legal description of the property proposed for certification.
- (2) Include an affidavit by the owner describing the historic significance of the structure in need of tax relief;
- (3) Include a final complete set of plans for the historic structure's restoration or rehabilitation;
- (4) Include a statement of costs for the restoration or rehabilitation work;
- (5) Include a projection of the estimated construction, time and predicted completion date of the historic restoration or rehabilitation;
- (6) Authorize the members of the Historic and Design Review Commission, the city tax assessor-collector and city officials to visit and inspect the property proposed for certification and the records and books of the owners as necessary to certify that the property in question is in substantial need of restoration or rehabilitation;
- (7) Include a detailed statement of the proposed use for the property; and
- (8) Provide any additional information to the Historic and Design Review Commission which the owner deems relevant or useful such as the history of the structure or access to the structure by the public.

Each application shall contain sufficient documentation confirming or supporting the information submitted therein.

**(d) Certification.**

**(1) Historic and Design Review Commission Certification**

Upon receipt of the sworn application, together with a fee as specified in Exhibit C of this chapter, the Historic and Design Review Commission shall make an investigation of the property and shall certify the facts to the city tax assessor-collector within thirty (30) days along with the Historic and Design Review Commission's documentation for approval or disapproval of the application for exemption.

**(2) Tax Assessor-Collector Approval**

Upon receipt of the certified application for tax exemption as well as the recommendation of the Historic and Design Review Commission, the city's tax assessor-collector shall within thirty (30) days approve or disapprove eligibility of the property for tax relief pursuant to this division. In determining eligibility, the tax assessor-collector shall first determine that all the requirements of this division have been complied with and that only the historic structure and the land reasonably necessary for access and use thereof is to be provided favorable tax relief.

**(e) Verification of completion.**

Upon completion of the restoration and rehabilitation, the certified applicant shall submit a sworn statement of completion acknowledging that the historically significant site in need of tax relief to encourage preservation has been substantially rehabilitated or restored as certified by the Historic and

Design Review Commission. The Historic and Design Review Commission, upon receipt of the sworn statement of completion, but no later than thirty (30) days thereafter, shall make an investigation of the property and shall approve or disapprove the fact that the property has been substantially completed as required for certification. If the Historic and Design Review Commission determines that it has not been substantially completed as so required, then the certified applicant shall be required to complete the restoration or rehabilitation in order to secure the tax exemption provided herein. If the verification of completion is favorable, the Historic and Design Review Commission shall notify the tax assessor-collector in writing of compliance. Thereafter, the tax assessor-collector shall provide the property with the historic tax exemption.

**(f) Historic preservation tax exemptions.**

**(1) Historic preservation tax exemption for residences in need of substantial repair.**

In accordance with the provisions of this ordinance, a historically significant residential building, which meets both the definitions of a historically significant site in need of tax relief to encourage preservation and of a residential property in Appendix A of this Chapter, and is either individually designated or is located within the boundaries of a locally designated historic district, which is substantially rehabilitated and is approved by the Chief Appraiser of the Bexar County Appraisal District, shall have an assessed value for ad valorem taxation as follows:

- A. A residential property shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification, as defined in Appendix A to this Chapter. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.
- B. This exemption shall begin on the first day of the first tax year after verification of completion of the substantial rehabilitation by the Historic and Design Review Commission, provided compliance with subsection (b) of this Section.

**(2) Historic preservation tax exemption for new historic districts.**

- A. Homeowners in new historic districts. For properties located within a historic district designated by the City Council after October 1, 2000, all residential properties occupied by the property owner will qualify for an ad valorem tax credit amounting to twenty (20) percent of the assessed City of San Antonio ad valorem property tax. This tax exemption shall begin on the first day of the first tax year after designation of the historic district and will extend for a total of ten (10) tax years. This tax exemption does not apply to properties within a historic district designated by the City Council prior to October 1, 2000 or to properties located within the San Antonio Commercial Business District (CBD).
- B. Long-time resident extension. For owners of residential properties located within a local historic district designated by the City Council after October 1, 2000 who can show proof of continuous permanent residence, as defined in this article, ten (10) tax years after designation, at a residence within the district for the period beginning on the day of official designation for the district through the same date ten (10) years later, the property owner will qualify for an additional five-year use of the property tax exemption that allows for a twenty (20) percent tax exemption. Therefore, the tax exemption will apply for a total of fifteen (15) tax years from the date of designation. If the property owner moves to a

different residence during the life of the credit, even to one located within the historic district, then the exemption is automatically terminated.

**(3) Historic preservation tax exemption for substantially rehabilitated rental properties.**

Owners of a substantially rehabilitated designated historic landmark, either individually designated or by location within a local historic district, that lease forty (40) percent or greater of all rental units to low-income tenants, as defined by the United States Housing and Urban Development (HUD) requirements for the San Antonio Metropolitan Statistical Area,<sup>1</sup> can qualify for an additional tax exemption. Gross annual rent for the affordable rental units cannot exceed thirty (30) percent of the corresponding HUD income limit established for the number of family members/tenants seeking to reside in a particular rental unit. The low-income parameters shall be verified/adjusted using the HUD standard on an annual basis.

- A. If the above criteria are fully observed then the property will qualify to receive tax relief in the form of zero assessed ad valorem taxes for the property for ten (10) years, effective on the first day of the year following verification of completion of the rehabilitation by the Historic and Design Review Commission, regardless of when the historic district in which the property is located was officially designated.
- B. The tax exemption will be terminated if the affordable rental rates are increased to exceed the specified rental limits for greater than sixty (60) percent of the number of rental units.
- C. However, the exemption can be reinstated the following year if the affordable requirements of this subsection are again met, upon which the exemption is then available for the balance of the original ten (10) year life of the exemption.
- D. This tax exemption shall be available only in the period defined in (1) above, regardless of termination or reinstatement periods. Assessed taxes after the ten-year tax-free period will be based upon the appraised value for that current year.

**(g) Eligibility**

- (1) The tax exemption options outlined in subsection (f), above, will remain in effect unless terminated by one of the following:
  - A. Sale of the property; or
  - B. If designation status is removed pursuant to § 35-606(g) of this Article.
- (2) An owner of a substantially rehabilitated historic residential property can choose between utilizing the three tax exemptions outlined in subsections (a)(1), (f)(1), and (f)(3) (if after rehabilitation the property still qualifies as "residential" under the definition in Appendix A of this Chapter) but can

<sup>1</sup> This forty (40) percent requirement for affordable units is consistent with a federal tax incentive to promote the development of affordable housing. The HUD income limits for low-income tenants is a sliding scale, ranging from \$24,150 for one person to \$45,500 for eight people. Therefore, thirty (30) percent of the appropriate income limit amount is the allowed annual gross rent.

qualify for only one of the three rehabilitation tax exemptions for each substantial rehabilitation. Once one rehabilitation exemption is effective, neither of the others is ever available for that specific property.

- (3) The tax exemption established in subsection (f)(2) of this Section is still effective even if the property is receiving one of the four residential or commercial rehabilitation tax exemptions (subsections (a)(1), (a)(2), (f)(1), or (f)(3) of this Section).

**(h) Application.**

An application for historic preservation tax exemption options is established in subsection (f)(1) or (f)(4) of this Section pursuant to subsection (c) of this Section.

## **Division 3 Archaeological Sites and Cemeteries**

### **35-630 Designated archaeological sites.**

Designated archaeological sites shall be treated as any other exceptional or significant resource and shall be reviewed by the Historic and Design Review Commission following the procedures set forth in §§ 35-608 to 35-613 of this Article.

### **35-631 Inventoried archaeological sites.**

Historic Preservation OfficerHistoric Preservation OfficerHistoric Preservation Officer  
Identified archeological sites will be reviewed by the Historic Preservation Officer according to the procedures established in this Section. Prior to the start or continuance of any activities that would disturb any previously identified archeological site within the city, including either a designated or inventoried site:

- (a) A study of the effect of the proposed activity on the site must be performed by a qualified professional archeologist engaged by the party proposing the activity.
- (b) Upon completion of the study, a written report of the results of the study must be provided to the Historic Preservation Officer, who will have 30 days from date of receipt of the report to issue written comments regarding the effect of the proposed activity on the site.
- (c) If, in the judgement of the Historic Preservation Officer, the proposed activity will have no effect on the site, the Historic Preservation Officer will issue a written order indicating same and the proposed activity may thenceforth proceed immediately.

- (d) If, in the judgement of the Historic Preservation Officer, as expressed in written comments on the report, the proposed activity will have an effect or an adverse effect on the site, a treatment plan for the site must be developed by a qualified professional archeologist engaged by the party proposing the activity. If requested by that party, the Historic Preservation Officer may, at the Historic Preservation Officer's option, collaborate with the archeologist to produce the plan.
- (e) Upon completion, the plan must be submitted in writing to the Historic Preservation Officer and/or the HDRC, and the proposed activity may proceed as soon as a written order of approval of the plan is issued by the Historic Preservation Officer or as soon as the HDRC approves the plan and a Certificate of Appropriateness indicating approval is issued by the Historic Preservation Officer.

### **35-632      *Unidentified archaeological sites.***

- (a) When a previously unidentified archaeological site is discovered in the course of construction, the property owner immediately shall notify the city's Historic Preservation Officer. The Historic Preservation Officer, with concurrence from the archaeologist, as soon as possible shall evaluate on-site the significance of the archaeological finding. When the Historic Preservation Officer and the archaeologist concur that no adverse effect on the archaeological site will take place, the project may proceed immediately. Where an adverse effect on the archaeological site will take place, the project shall be referred to the Historic and Design Review Commission at the Historic and Design Review Commission's next regular meeting or a called meeting for review following the same procedure set forth for identified archaeological sites.
- (b) Unidentified archaeological sites will, upon discovery, be treated as inventoried archaeological site and will be reviewed by the Historic Preservation Officer according to the following procedures:
  - (1) Regarding the discovery of any previously unidentified archaeological site within the city, including sites discovered within the area of any proposed or approved development project for which any items have been submitted to any city department for review, including preliminary review, or for which any permit applications have been submitted, or for which any permit has been issued:
    - A. upon the occurrence of such a discovery, all activities in the vicinity of the site, whether proposed or in progress, will be immediately suspended and will not proceed or resume for thirty (30) days until a written order is issued by the Historic Preservation Officer indicating that activities in that vicinity may proceed or resume;
    - B. the party making the discovery, the property owner, and/or the sponsor of any proposed or suspended activities in the vicinity of the site will immediately notify the Historic Preservation Officer of the discovery.
  - (2) Within five (5) working days after being notified of the discovery, the Historic Preservation Officer will examine the site, and will either:

- A. issue a written order indicating that no archeological work at the site is necessary, in which case any proposed or suspended activities in the vicinity of the site may thenceforth immediately proceed or resume; or
- B. notify the sponsor of any proposed or suspended activities in the vicinity of the site and/or the property owner that, before any proposed or suspended activities in the vicinity of the site can proceed or resume or the site is otherwise disturbed, the procedure outlined in § 35-631(a)(1-5) must be followed, in which case the site will not be disturbed until the procedure is completed.

### **35-633      *Miscellaneous Provisions***

- (a) In evaluating archeological studies and treatment plans for archeological sites, the Historic Preservation Officer and the HDRC:
  - (1) will apply the criteria for effect to, and significance of, archeological sites in the Antiquities Code of Texas and in the regulations of the National Advisory Council on Historic Preservation, Treatment of Archeological Properties, under authority of the Executive Director of the Advisory Council, National Historic Preservation Act, and Executive Order 11593, and
  - (2) will also apply the review criteria set forth in § 35-608 of this Chapter.
- (b) During the Historic Preservation Officer and HDRC review of archaeological sites, as otherwise described herein:
  - (1) development or other activities may proceed wherever sites have not been identified or discovered; and,
  - (2) any party proposing or engaged in any activity that would have an effect on or otherwise disturb an archeological site may at any time forego or suspend the activity and thereby suspend the Historic Preservation Officer and/or HDRC review process for that activity at that time. In that event, the archeological sites concerned will not be disturbed unless and until the Historic Preservation Officer and/or the HDRC review process, as described herein, is completed.

### **35-634      *Cemeteries.***

All applicants for permits, excluding burial permits, affecting cemeteries shall be referred to the city Historic Preservation Officer for the purpose of determining whether or not the cemetery is historically, culturally, architecturally, or archaeologically exceptional or significant. If the cemetery is determined by the city Historic Preservation Officer to be exceptional or significant, any proposed change, excluding burials, must be presented to the Historic and Design Review Commission for approval of planned work. If a court of competent jurisdiction has granted permission for cancellation or destruction of such cemetery, any plans for new construction must be approved thereafter by the Historic and Design Review Commission before construction commences. The Historic and Design Review Commission shall be governed in its recommendations by regulations set forth in Texas State law for cemeteries excluding burial permits.

## Division 4      Public Property

### **35-640      *Public property and rights-of-way.***

#### **(1)      *Public property.***

Generally, the Historic and Design Review Commission will consider applications for actions affecting the exterior of public properties except in the case of building interiors that are the sites of major public assemblies or public lobbies. The Historic and Design Review Commission will also consider applications for actions affecting public properties such as city parks, open spaces, plazas, parking lots, signs and appurtenances.

#### **(2)      *Public rights-of-way.***

Generally, the Historic and Design Review Commission will consider applications for actions affecting public rights-of-way whose construction or reconstruction exceeds in quality of design or materials standards of the design manual of the public works department.

### **35-641      *Design considerations for Historic and Design Review Commission recommendations.***

In reviewing an application, the Historic and Design Review Commission shall be aware of the importance of attempting to find a way to meet the current needs of the City of San Antonio, lessee or licensee of public property. The Historic and Design Review Commission shall also recognize the importance of recommending approval of plans that will be reasonable to implement. The best urban design standards possible can and should be employed with public property including buildings and facilities, parks and open spaces, and the public right-of-way. Design and construction on public property should employ such standards because the use of public monies for design and construction is a public trust. Public commitment to quality design should encourage better design by the private sector. Finally, using such design standards for public property improves the identity and the quality of life of the surrounding neighborhoods.

### **35-642      *New construction of buildings and facilities.***

In considering whether to recommend approval or disapproval of a certificate, the Historic and Design Review Commission shall be guided by the following design considerations. These are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles, which can result in creative solutions that will enhance the city and its neighborhoods. Good and original design solutions that meet the individual requirements of a specific site or neighborhood are encouraged and welcomed.

#### **(a)      *Site and setting.***

- (1) Building sites should be planned to take into consideration existing natural climatic and topographical features. The intrusive leveling of the site should be avoided. Climatic factors such as sun, wind, and temperature should become an integral part of the design to encourage design of site-specific facilities which reinforces the individual identity of a neighborhood and promotes energy efficient facilities.



- (2) Special consideration should be given to maintain existing urban design characteristics, such as setbacks, building heights, streetscapes, pedestrian movement, and traffic flow. Building placement should enhance or create focal points and views. Continuity of scale and orientation shall be emphasized.
- (3) Accessibility from streets should be designed to accommodate safe pedestrian movement as well as vehicular traffic. Where possible, parking areas should be screened from view from the public right-of-way by attractive fences, berms, plantings or other means.
- (4) Historically significant aspects of the site shall be identified and if possible incorporated into the site design. Historic relationships between buildings, such as plazas or open spaces, boulevards or axial relationships should be maintained.

**(b) Building design.**

- (1) Buildings for the public should maintain the highest quality standards of design integrity. They should elicit a pride of ownership for all citizens. Public buildings should reflect the unique and diverse character of San Antonio and should be responsive to the time and place in which they were constructed.
- (2) Buildings shall be in scale with their adjoining surroundings and shall be in harmonious conformance to the identifying quality and characteristics of the neighborhood. They shall be compatible in design, style and materials. Reproductions of styles and designs from a different time period are not encouraged, consistent with the Secretary of the Interior's Standards. Major horizontal and vertical elements in adjoining sites should be respected.
- (3) Materials shall be suitable to the type of building and design in which they are used. They shall be durable and easily maintained. Materials and designs at pedestrian level shall be at human scale, that is they shall be designed to be understood and appreciated by someone on foot. Materials should be selected that respect the historic character of the surrounding area in texture, size and color.
- (4) Building components such as doors, windows, overhangs, awnings, roof shapes and decorative elements shall all be designed to contribute to the proportions and scale of their surrounding context. Established mass/void relationships shall be maintained. Patterns and rhythms in the streetscape shall be continued.
- (5) Colors shall be harmonious with the surrounding environment, but should not be dull. Choice of color should reflect the local and regional character. Nearby historic colors shall be respected.
- (6) Mechanical equipment or other utility hardware should be screened from public view with materials compatible with the building design. Where possible, rooftop mechanical equipment should be screened, even from above. Where feasible, overhead utilities should also be underground or attractively screened. Exterior lighting shall be an integral part of the design. Interior lighting shall be controlled so that the spillover lighting onto public walkways is not annoying to pedestrians.
- (7) Signs which are out of keeping with the character of the environment in question should not be used. Excessive size and inappropriate placement on buildings results in visual clutter. Signs should be designed to relate harmoniously to exterior building materials and colors. Signs should express a simple clear message with wording kept to a minimum.

- (8) Auxiliary design. The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances. These should be designed with the overall environment in mind and should be in visual keeping with related buildings, structures and places.

**(c) Multiple Facades**

In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face two (2) streets or a street and the San Antonio River, the Historic and Design Review Commission shall consider the above visual compatibility standards with respect to each important facade.

### **35-643 Alteration, restoration, and rehabilitation.**

In considering an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure the Historic and Design Review Commission shall be guided by the following general standards of the Secretary of the Interior's Standards for Rehabilitation in addition to any specific design guidelines included in this article.

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a buildings, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting, high pressure washes and other cleaning methods that will damage the historic buildings materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- (10) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

### **35-644      *Ordinary repair and maintenance.***

Those activities which require a permit and constitute ordinary repair and maintenance include but are not restricted to:

- (a) Repair using the same material and design as the original;
- (b) Reroofing, using the same type and color of material; and
- (c) Repair of sidewalks and driveways using the same type and color of materials.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

### **35-645      *Signs and billboards.***

#### **(a)      *General provisions.***

All non-regulatory signage on public property, on the public right-of-way, or overhanging the public right-of-way shall conform to all city codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval and recommendation to the director of planning and notification of the building officials in the department of building inspections.

#### **(b)      *Sign Proportions***

For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.

#### **(c)      *Prohibited Signs***

Signs which shall not be permitted include:

- Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, interrupt, or conceal any window opening, door, or significant architectural feature or detail of any building;
- Roof mounted signs, except in the cases of integral design with the building.

#### **(d)      *Special Purpose Signs***

All special purpose signs shall be approved by the Historic and Design Review Commission and shall be removed within thirty (30) days from the date of approval unless otherwise specified. If within the specified period the property owner feels there is a continued need for the special purpose sign, he shall request additional display time. Nongovernmental banners, pennants and flags, excluding flags included as elements of an overall streetscape or design plan, are considered special purpose signs under the provisions of this ordinance and are appropriate for advertising the event and for decoration only during special events or celebrations. No permanent advertising may be regulated in this way.

**(e) Standards for sign design and placement.**

In considering whether to recommend approval or disapproval of an application for a certificate to construct or alter signage on a building, object, site, or structure, the Historic and Design Review Commission shall be guided by the following standards in addition to any specific design guidelines adopted pursuant to Division 1 of this article.

- (1) Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall design of the building or structure and the surrounding area.
- (2) The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion.
- (3) Directory signs which describe, point, or direct the reader to a specific place or along a specific course, such as "entrance," "exit," and "handicap access" signs shall be reviewed by the Historic and Design Review Commission.
- (4) All graphic elements shall reinforce the architectural integrity of any building. Signs should not disfigure, damage, mar, alter, or conceal architectural features or details and should be limited to sizes which are in scale with the architecture and the streetscape. The Historic and Design Review Commission shall be guided by the building's proportion and scale when such elements are incorporated.

**35-646 Construction in public rights-of-way.**

**(a) General provisions.**

All construction in the public right-of-way shall conform to all city codes. In considering an application, the Historic and Design Review Commission shall be guided by the following:

**(1) Sidewalk zones.**

Pedestrian movement should be pleasant, allowing for store browsing, comfortable transit waiting and easy accessibility for disabled people. Where possible, sidewalks should at least five (5) feet in width. Existing sidewalks should not be narrowed when replaced.

**(2) Sidewalk paving and surfaces.**

Materials should complement stylistic differences of individual buildings, particularly when related to historic buildings.

- (1) Materials. Materials should be chosen for beauty, strength, longevity, easy maintenance and traction when dry or wet.

- (2) Color and texture. To ensure the safety of pedestrians, all changes in surfaces should be defined by contrasting color, texture or materials.

**(3) Street features and arrangements.**

Historic districts and the downtown, as well as other distinct areas of the city have diverse character and any street furniture selected for these areas should complement these differences. In addition, the clustering of street furniture in one place is recommended. Trash receptacles, seating, telephones and other street furniture should be grouped together.

- (1) Circulation. A clear path-of-travel of thirty-six (36) inches wide shall be maintained in and around street features and arrangement.
- (2) Seating. Seating should be physically comfortable and inviting, durable and attractive. Plaza and open space seating should also be socially comfortable by offering a variety of choices such as in the sun or shade, near traffic and activity or not, and alone or in groups.
- (3) Drinking fountains. Placing drinking fountains in new development is encouraged. Fountains should be placed within general areas of pedestrian traffic and located on accessible surfaces.
- (4) Trash receptacles. Trash receptacles should blend visually with their surroundings and their design and location should make use as convenient as possible.
- (5) Vending machines. Vending machines will not dispense items other than newspapers and periodicals. Vending machines shall be clustered together and away from intersection corners.
- (6) Vending carts and kiosks. Vending carts and kiosks are encouraged in locations that do not impede normal pedestrian traffic.
- (7) Outdoor dining. Lease of public right-of-way for outdoor dining is encouraged in appropriate locations. Lease of sidewalk space for outdoor dining shall be managed through the department of parks and recreation and shall comply with all city codes. It is recommended that at least eight (8) feet of sidewalk be retained between the curb and the leased or licensed space to provide an uninterrupted public walkway.
- (8) Street objects. Utility boxes, vending machines and so on should not be located in sidewalk zones. Their design and color should be compatible with character of their surroundings.

**(4) Streetscape landscaping.**

Landscaping, particularly streets trees, are an important addition to the streetscape because of the hot Texas climate. Appropriate application along sidewalks strengthens the visual quality of public streets. Careful selection of plant materials, using native and low-water use plants, is recommended.

**(b) Skywalks and underground walkways.**

Skywalks and underground walkways between buildings but over (or under) public right-of-way shall be integral design elements of a total development, not merely passageways.

**(1) Skywalks.**

Skywalks should avoid impeding vistas and views, particularly in the downtown, of historic landmarks, the River, and other important buildings. Construction shall be considered on an individual basis but shall not occur over the River. Skywalks shall facilitate interoffice communication and traffic rather than serve as a public walkway.

**(2) Underground walkways.**

Underground walkways or tunnels shall facilitate interoffice communication rather than serve as a public walkway. Underground walkways should include light wells, skylights, landscaping, and fresh air ventilation.

**(c) Awnings and canopies.**

The primary purpose of an awning shall be to provide shade and weather protection to pedestrians.

**(1) Size and shape.**

Awnings shall be proportionate in shape and size to the scale of the building facade to which it will be attached. On historic landmarks or on older buildings, awnings shall be historically appropriate in design and materials.

**(2) Materials and lettering.**

Preferred materials for fabric awnings are fire resistant canvas. Metal canopies may also be appropriate. Lettering on fabric awnings shall be permitted on the front flap only of the awning in a manner proportional to the awning size, but not to exceed one-half the area of the front flap. Symbols or logos may be allowed on the top of the awning not to exceed one-sixth of the square footage of the top of the awning.

## Division 5      Public Art & Design Enhancement Program

*The purpose of the Public Art and Design Enhancement Program is to support a public process for incorporating artist services and artworks in the design of civic spaces and capital projects and to define the program's policies and guidelines for acquiring and commissioning art of the highest standards which shall enrich the quality of life for all residents and visitors of San Antonio.*

*The goals of the Public Art and Design Enhancement Program are to create a better visual environment for the residents and visitors of San Antonio, to integrate the design work of artists into the development of City eligible capital improvement projects, and to promote tourism and the economic vitality of the City through the enhancement of public spaces. The Public Art and Design Enhancement Program specifically seeks:*

- *to encourage the selection of artists at the beginning stages of each project who can work successfully as members of the project design team, and to encourage collaboration among all arts and building disciplines;*
- *to foster quality design and the creation of an array of artwork in all media, materials and disciplines that best respond to the distinctive characteristics of each project site and the community that it serves;*
- *to select experienced artists who represent the diverse cultural landscape of San Antonio;*
- *to encourage the selection of design enhancements that are accessible to the public and respect the historical resources and mobility of the citizenry;*
- *to encourage artists, design enhancements and programs for open spaces, parks, infrastructure and facilities that contribute to neighborhood revitalization and enhance the quality and pride of neighborhoods in the City;*
- *to encourage participation by citizens in the process of acquiring and commissioning of Design Enhancements;*
- *to encourage the role of design enhancements in enhancing economic development and cultural tourism;*
- *to encourage the role of artists and design enhancements in the functional design of eligible capital improvement projects;*
- *to exhibit art in designated City facilities for the enjoyment of the public and to heighten awareness and appreciation for local artists; and*
- *to maintain the City Art Collection.*

### **35-650      Funding.**

#### **(a)      Design Enhancement Allowances**



All design enhancement allowances will be developed and maintained within applicable City infrastructure and capital improvement budgets, including eligible bond and grant funded projects and adhere to established timelines. The allowances identified for design enhancements may be used for artist design services, for the development of design concepts and models, for the placement, and installation of the enhancements. Design Enhancements may be permanent, may be integral to the architecture or may be incorporated into the City eligible capital construction project. Integration of artists design concepts into the project architecture should be ensured, insofar as is feasible, by the concurrent selection of the artist(s) with the architect or project designer. The Public Art and Design Enhancement Program should encompass the broadest possible range of expression, media and materials.

**(b) Development of Annual Design Enhancement Plan.**

- (1) The Department of Public Works through the Public Art and Design Enhancement Program shall review with City Departments all planned capital improvement projects to determine if they are eligible for design enhancement treatment. In general, projects should be identified as early as possible, prior to appropriation by City Council, and whenever possible, prior to the selection of the project architect.
- (2) The Department of Public Works through the Public Art and Design Enhancement Program will use the following criteria for identifying and recommending capital projects suitable for public art and/or design enhancement treatment: a) Available public art and or design enhancement opportunities, b) Size and scope of project, c) Community or neighborhood sensitivity and diversity of communities served, d) Opportunities for community participation and educational impact
- (3) The Department of Public Works shall discuss each eligible project with the assigned architectural and departmental staff to develop a project description, allowance, and timeline.
- (4) The Department of Public Works through the Public Art and Design Enhancement Program shall review and present all eligible capital improvement projects to the City Council as part of the Capital Improvements Program. This plan may include the proposed design enhancement projects, recommend the specific approach to design enhancement in each of the projects and define the artist selection processes.
- (5) The Department of Public Works through the Public Art and Design Enhancement Program may, from time to time during the course of the year, modify the Design Enhancement Plan.

**(c) Gifts, Grants and Awards**

Gifts, grants and awards of monies obtained hereunder may be accepted by the City of San Antonio upon City Council approval, and said monies shall be credited to the Public Art and Design Enhancement Program. Any gifts, grants and awards received subject to a condition shall be expended strictly in accordance with such condition.

## **35-651      *Eligible and Ineligible Design Enhancements.***

### **(a)      *Eligible Design Enhancements***

It is the policy of the Department of Public Works that all design enhancements commissioned or acquired by the City through the Public Art and Design Enhancement Program be designed by a professional visual artist, craftsman or an artist or craftsman in collaboration with the project architect, landscape architect or engineer. Such artworks may include, but are not limited to the following:

- (1) The incremental costs of infrastructure elements, such as sound-walls, utility structures, roadway elements and other items if designed by an artist or design team that included an artist co-designer.
- (2) Artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.
- (3) Earthworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media including sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.
- (4) Murals or portable paintings in any material or variety of materials.
- (5) Sculpture: free-standing, wall supported, or suspended; kinetic and electronic in any material or combination of materials.
- (6) Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach purposes.
- (7) Enhancements that are an integral part of architecture, landscape architecture, and landscape design.

### **(b)      *Ineligible Design Enhancements.***

Design enhancements that are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist, or reproductions, by mechanical or other means, of original artwork, except in the case of film, video, photography, printmaking or other media arts.

## **35-652      *Responsibilities.***

### **(a)      *Department of Public Works***

The Department of Public Works shall:

- (1) administer the public art and design enhancement Allowances, Artists Registry, and the Artist Selection Panels;
- (2) implement policies and procedures relative to applying for and accepting gifts and grants, and deaccessioning, relocation, maintenance, repair, and alteration of the City Art Collection;

- (3) act as a liaison between Artist Selection Panels, the Public Art Committee, City Departments, Artists, Design and Building Professionals and the Public;
- (4) develop a Public Art and Design Enhancement Plan linked to Eligible City Capital Improvement Projects;
- (5) maintain an inventory of publicly accessible spaces which are potential sites for placing artworks and/or art projects;
- (6) present to City Council for acceptance all cash gifts given for the purpose of purchasing or commissioning artworks;
- (7) discuss with all City Departments and project designers the possibility of their acceptance and placement of a gift or loan of an artwork to the city at specific sites;
- (8) discuss with City Departments with eligible sites for the placement of a gift or loan of an artwork the cost of care and maintenance of said artwork; and
- (9) Select three (3) at large Public Art Committee members who shall be advisory and non-members of the Historic and Design Review Commission.

**(b) Other City Departments**

Other City Departments shall:

- (1) plan, develop and coordinate with the Department of Public Works regarding existing and future sites for the incorporation of artworks and artist services.
- (2) develop and implement artwork projects at specific sites.
- (3) assess information and coordinate with the Department of Public Works on proposals for gifts or loans of artworks and monies.
- (4) inform the Department of Public Works on any departmental activity related to the development and implementation of artwork and artist services.
- (5) assist the Department of Public Works in allocating funds, monitoring projects budgets and educating the public.
- (6) inform the Department of Public Works on planning for targeted improvement areas which could potentially incorporate an art project.

**(c) Public Art Committee**

The Public Art Committee shall:

- (1) be composed of seven (7) persons from within and outside the Historic and Design Review Commission's membership. At least four (4) of the seven (7) members of Public Art Committee (PAC) shall be members of the Historic and Design Review Commission. Members of the PAC shall be limited to one two year term; however, of the initial appointments, four (4) shall hold a term of two (2) years and three (3) members shall hold a term of one year; and
- (2) have a chairperson and shall be initially selected by the Chairperson of the Historic and Design Review Commission, and shall have a term of one year. Subsequent

chairpersons shall be elected by the PAC for one year terms to manage the functions of the committee.

- (3) review and make recommendations on all final design enhancement projects to the Historic and Design Review Commission and following the criteria set forth in Section 35-653; and
- (4) review and make recommendations on all proposed gifts and loans following the criteria set forth in Section 35-655; and
- (5) review and make recommendations on the deaccessioning of artworks following the criteria set forth in Section 35-656; and
- (6) review and make recommendations on the conservation, maintenance, repair, or alteration of artworks in the City Art Collection; and
- (7) review and make recommendations on the inventory of artworks in the City Art Collection, which shall be periodically inspected; and
- (8) develop, promote, and preserve aesthetic excellence in public spaces for San Antonio residents and visitors.

The Public Art Committee shall not bind the City of San Antonio by contract or otherwise. In order to avoid conflicts of interest, no member of the Public Art Committee shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention from voting prior to the taking of a vote.

**(d) Artist Selection Panels**

Artist Selection Panels shall:

- (1) be composed of six members including: one project design architect or engineer, one Department project manager or architect, two community members from the area where the project is located, one individual knowledgeable in Design Enhancement, and one Public Art Committee member.
- (2) make recommendations to the Department of Public Works, and the Public Art Committee on design, execution, placement, of design enhancement projects in connection with specific capital projects.
- (3) make recommendations to the Department of Public Works on appropriate method(s) of artist selection, commissioning, placement and execution of artworks related to the design of each appropriate project.
- (4) review the Artists Registry, artist's applications and make final recommendations to the Department of Public Works and on the artist(s) applying for the specific projects.
- (5) review and select artists taking into consideration the recommendations of the Department of Public Works and the criteria established by the Public Art and Design Enhancement Program.
- (6) cease to exist once the artist(s) is selected and approved.

- (7) shall not bind the City of San Antonio by contract or otherwise.
- (8) Conflicts of Interest - No member of the Artist Selection Panel shall vote or participate as a member in any matter that materially affects the property, income, or business interest of that member or in which the member holds a substantial interest. Such member shall give notice of abstention from voting prior to the taking of a vote.

**(e) Artist(s):**

The Artist(s) shall:

- (1) submit credentials, visuals, proposals and/or project materials as directed for consideration by the Artist Selection Panel.
- (2) conduct necessary research, including attending project orientations and touring project sites, when possible.
- (3) design, execute, complete and transfer title of the artwork in a timely and professional manner.
- (4) work closely with the project manager and/or other design professionals associated with the project.
- (5) submit to the Department of Public Works, the Public Art Committee, and the Historic and Design Review Commission, any significant changes in the scope of the project, color, material, or design of the approved artwork.
- (6) make public presentations, conduct community education workshops or a residency, as required by the contract with the City of San Antonio.
- (7) provide a maintenance plan that includes a list of materials, diagrams, names of fabricators describing processes used in fabricating the artwork, and the descriptions and drawings of installations, specifications and details of connecting methods.

## **35-653 Selection of Artists.**

**(a) Criteria**

Whenever possible, the selection process shall begin at the conceptual stage of the project so the artist(s) will be able to integrate art concepts and artworks with the design of the specific projects and or sites. Early participation also allows for dialogue between the artist(s), the community the project serves and architect or designer to discuss the design processes and the inclusion of specifications for the artwork's site preparation that are subject to zoning, design, and construction codes. The selection of artists or artworks must meet the following criteria:

- (1) The design capabilities of the artist(s) and the inherent quality of the artworks.
- (2) All media forms of visual arts may be considered, subject to any requirements set by the Artist Selection Panel or the Department of Public Works through the Public Art and Design Enhancement Program.
- (3) Design enhancements of all schools, styles, and tastes should be considered for the Public Art and Design Enhancement Program.

- (4) Design enhancements should be appropriate in scale, materials, form and content for the immediate social and physical environments with which they relate.
- (5) Consideration should be given to structural and surface integrity, permanence and protection of the artwork against theft, vandalism, weathering, excessive maintenance and repair costs.
- (6) Consideration should be given to the fact that Design Enhancement, as defined by the Program, is a genre that is created in a public context and that must be judged by standards that embrace factors other than the aesthetic, including public participation, social and political attitudes, and functional considerations. Design Enhancement may also serve to establish focal points, terminate areas, modify, enhance or define specific spaces, establish identity, or address specific issues of urban design.
- (7) Design enhancements should be examined for unsafe conditions or factors that may bear on public liability.
- (8) The Public Art and Design Enhancement Program should strive for diversity of style, scale and media. The program will also strive for an equitable distribution of artworks throughout the City, subject to sources of project funding.
- (9) Consideration shall be given to the clarity and appropriateness of the budget for each specific project..
- (10) The artist selection process shall ensure that the interests of all concerned parties are represented, including the public, the art community and the City Departments.

**(b) *Methods of Selecting Artists.***

**(1) *Design Team Selection***

The design team of a project may directly select an artist(s) following the criteria set forth in Section 35-653(a).

**(2) *Limited Competition***

The artist selection panel may invite a limited number of artists to submit credentials or proposal.

**(3) *Open Competition***

Any artist may submit credentials or proposals, subject to any requirements established by the Artist Selection Panel or the Department of Public Works. Calls for entries for open competitions shall be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration.

**(4) *Direct Selection***

The artist selection panel may directly select an artist(s). Generally, direct selection will not be employed except on those projects where an open or limited competition would be inappropriate or impractical, such as a very urgent project timeline or very specific project requirements.

**(c) *Limited Competition Selection Process.***

- (1) The Department of Public Works' Public Art and Design Enhancement Program in consultation with appropriate City Departments shall define the scope of work, project criteria, budget, develop a community profile, assemble the Artist Selection Panel and outline the selection process.
- (2) The Department of Public Works shall brief the Artist Selection Panel on the project and makes appropriate modifications according to the Panel's recommendations.
- (3) The Artist Selection Panel shall review the Artists Registry or other sources recommended by the Department of Public Works and select a predetermined number of finalists to be interviewed. Depending on the scope of work and timeline of the project, the selected finalists may be required to submit their qualifications or a project proposal to the Panel. If the finalists are to submit a project proposal, the Department of Public Works shall present finalists with information pertaining to the selection process and the project, including a site and community profile. The Department of Public Works or the project architect may set a meeting with the artist to discuss the site and/or project.
- (4) The Artist Selection Panel shall interview the finalists and review the artists' qualifications or proposals, on a predetermined date. Qualifications may include a resume and samples of artist's past work. Proposals may include models, drawings, and a written statements. After all interviews and reviews have been concluded, discussion between panel members will begin based on the material presented, discussion with finalists, project scope of work and criteria. Final artist selection will be a majority vote. Panel's recommendation of selected artist(s) will be transmitted to the Design Enhancement Advisory Committee.
- (5) The Department of Public Works shall request a formal proposal from the final artist(s) selected, specifying the time frame for proposal development, payment schedule, ownership and copyrights. All materials related to the proposal including models, drawings etc. will be property of the artist, but the City shall have the right to exhibit and use them for educational and promotional purposes.
- (6) Open Competition Process- The Artist Selection Panel may decide to hold an open competition for a specific project. The Department of Public Works shall prepare and distribute a project announcement to all artists in the Artist Registry as well as other venues. The Artist Selection Panel shall review all the applications and select a predetermined number of finalists. The limited competition process would then follow.

**(d) Direct Commission Process**

In special circumstances, the Artist Selection Panel may decide, by unanimous decision, on commissioning one artist to work on a project.

**(e) Final Recommendations**

The Public Art Committee has the responsibility of recommending an artist's proposal or artwork for a project to the Historic and Design Review Commission for final design approval.

**(f) Contracts, Fabrication, Installation, Maintenance of Artworks, and Artists Registry.**

- (1) Design teams selected for projects eligible for design enhancement treatment will be contracted to provide architects/engineering and unique design enhancement features. Contracts will be negotiated between the project lead consultant and the artist in consultation with the Department of Public Works. The artist may be asked to prepare a budget that includes costs for fabrications, materials, labor, transportation, site



preparation and installation, insurance, artist fee and a contingency fund. Contracts will require artist to develop a Maintenance Plan for the artwork, which must be submitted to the Department of Public Works before final acceptance of artwork by City is issued.

- (2) Fabrication of the artwork will be by the artist or under the artist's direct supervision.
- (3) Installations shall be coordinated between the Department of Public Works through the Public Art and Design Enhancement Program and the appropriate representatives of each Department having jurisdiction over the site and/or construction. Whenever possible, the installation of artworks will become part of the final project's construction contract, and will be executed by the contractor under the artist's supervision.
- (4) All routine maintenance, and repairs of permanent design enhancements, including cleaning shall be the responsibility of the City Department housing the artwork, in consultation with the Department of Public Works. Each Department that houses the design enhancements shall notify the Department of Public Works whenever it believes an artwork requires attention. City Departments may request from the Department of Public Works guidance in maintenance, cleaning and curatorial services for the City Art Collection. When applicable, artwork that requires any maintenance shall follow the specific instructions and specifications listed under artist's Maintenance Plan.

**(g) Documentation**

The Department of Public Works through the Public Art and Design Enhancement Program shall document the selection process and critical stages of specific projects such as fabrication and installation. The documentation will be used for the production of City promotional material and self-guided tour brochures. A video and still photography of each project may be part of the documentation. This documentation will be used as a promotional, educational and archival resource. All records relating to all projects such as contracts, correspondence, memoranda, proposals, models, and billings will be kept by the Department of Public Works.

**(h) Artists Registry**

The Department of Public Works will administer an Artists Registry accessible to all local, regional, national and international artists interested in applying. This will ensure that the largest numbers of artist will be accessible to all Design Enhancement projects and programs. The Artists Registry will be used as a resource by the Artist Selection Panels for commissioning artists and art works. The Department of Public Works will periodically post notice of the registry and application and will use other art organizations' mailing lists to maximize artist participation.

## **35-654 Guidelines for Temporary Exhibits and Events.**

The Department of Public Works has the joint responsibility with other City Departments in implementing and administering exhibitions of art in City facilities such as the Central Library Art Gallery, the Airport Art Spaces, and City Hall. Other City Departments may request services in the future and the Department of Public Works shall seek such opportunities. The Department of Public Works through the Public Art and Design Enhancement Program shall design appropriate selection processes and panels to review and select proposals. All final approvals of artworks and exhibitions will be the responsibility of the Department of Public Works and the participating department exhibition space staff. Contracts for art exhibitions and events will be modified versions of the percent art contracts, and will be negotiated between the representative of the proposed exhibition and/or event, the Department of Public Works, and the participating department and/or agency.

## **35-655 Guidelines for Gifts and Loans.**

### **(a) Policy**

The Department of Public Works through the Public Art and Design Enhancement Program shall be responsible for reviewing all proposed gifts and loans of artworks following the guideline's review process for accepting or rejecting, placing and maintaining the artwork(s) in the City Art Collection.

### **(b) Review Process.**

#### **(1) Generally**

The Donor shall contact and discuss the gift or loan and procedures with the Department of Public Works' Public Art and Design Enhancement Program. Donor shall submit detailed written descriptions of the artwork, including sketches and/or models of the artwork, all information pertaining to the artist, and a warranty of originality of the artwork. The Department of Public Works Public Art and Design Enhancement Program shall review materials with the Department responsible for sites receiving the donated artwork. The Department of Public Works shall develop materials including inventory of possible sites to review with the Historic and Design Review Commission's Public Art Committee. The Public Art Committee shall be allowed enough time to review and request further information pertaining to the artwork(s) and/or site before final acceptance or refusal of any gift and/or loan. The Public Art Committee shall submit recommendations to the Department of Public Works' Public Art and Design Enhancement Program and the Historic and Design Review Commission for final recommendation to City Council. Gifts of state presented to the City of San Antonio by foreign governments or by other political jurisdictions of the United States are exempt from the review process. However, permanent placement and proper site selection of such artworks shall be determined jointly by the appropriate City Department and the Department of Public Works and shall be subject to final approval by the Historic and Design Review Commission and accepted by ordinance by City Council.

#### **(2) Criteria**

The Public Art Committee shall review proposals according to the following criteria:

- (1) Quality of Work- to consider :the quality of the artwork, a written description of the artwork must be submitted including sketches, models, photographs, artist's qualifications and warranty of original creation or limited edition of the artwork.
- (2) Financial Consideration- Consideration shall be given to the cost of fabrication and installation, a maintenance agreement between the City and the donor, and the estimated cost of maintenance and repair over the expected life of the artwork, including source of funding, and the value of work.
- (3) Liability- Consideration shall be given to the susceptibility of the artwork to damage, vandalism, public safety, and special insurance requirements.
- (4) Environment- Consideration shall be given to artwork's appropriateness to the site, scale, historical and ecological impact.

## **35-656 Guidelines for the Review and Deaccessioning of Art.**

### **(a) Policy**

Design enhancements in the City Art Collection has generally been placed in the public domain through a process and under specific public context. Their placement is a result of careful thought, discussion, professional advise and, at times, community participation. Artworks in public spaces are created by artists with sensitivity to the site and the public that access them. Therefore, it should be the City's responsibility to avoid removing or disposing of them but, rather seek to ensure the integrity of the artist, their artwork, the site, and the public for which it is created. Art that is considered for removal from the City Art Collection should undergo a responsible and careful review process according to carefully developed procedures.

### **(b) Review Assessment**

The Department of Public Works shall assess the condition of the City Art Collection on an ongoing basis and if it recommends deaccessioning of an design enhancements, it shall initiate the process to the Public Art Committee to review the status of artwork including, but not limited to, the following reasons:

- (1) Maintenance of the artwork is excessive, quality of the design and workmanship becomes questionable, and repair or remedy are impractical or infeasible.
- (2) The condition or security of the artwork cannot be reasonably guaranteed.
- (3) The artwork endangers public safety and/or the public right-away.
- (4) The Historic and Design Review Commission Public Art Public Art Committee, upon assessment of the art collection and/or department responsible for ownership of artwork, may want to replace the art with a more appropriate artwork by the same artist(s).
- (5) Unfavorable public reaction for extended period of time.
- (6) The quality of work is questioned for extended period of time.
- (7) Written request by artist and/or department responsible for maintenance of artwork has been received.
- (8) Site of artwork is under serious consideration for relandscaping, reconstruction, and/or demolition.

### **(c) Reviewing Steps.**

- (1) Review existing artist contracts and/or agreements.
- (2) Assess the issues at hand with the artist.
- (3) Seek opinions from qualified professionals on the conditions or other matters that initiated the review assessment.
- (4) Review and analyze all written materials, including press or other publicly contested issues pertaining to artwork.
- (5) A recommendation shall be formulated by the Public Art Committee.

**(d) Deaccessioning**

If the Public Art Committee fails to resolve a deaccessioning request and determines that removal can not be prevented, the Committee may request that Department of Public Works select a neutral third party to do the following:

- (1) Assess the efforts to resolve the issues by the Public Art Committee.
- (2) Make other recommendations.
- (3) If the third party recommends other measures to be considered other than removal of the artwork, the Department of Public Works shall give the third party a predetermined time frame to execute the proposed measures.
- (4) If all recommendations proposed by the third party are unsuccessful, or upon recommendation of the Director of Public Works, the City shall consider the following: (1) if applicable, the artist whose work is under consideration for deaccessioning shall receive written notification by registered mail, and shall have the right of first refusal to purchase the work; (2) relocation of artwork to appropriate and/or specific site with the assistance of the artist; (3) sale, extended loan or trade (fair market value appraisal must be secured to assist further decisions).

**(e) Provisions for Review and Amendment**

These guidelines are subject to periodic review and revision by the Department of Public Works, City Manager and City Council.

**35-657 Community Outreach.****(a) Purpose**

Public participation is a key aspect of a Public Art and Design Enhancement Program. The Department of Public Works will make significant efforts to involve the public in community outreach and public education programs. These efforts can create a context in which citizens can better understand and appreciate the artworks and the design contributions of the artists.

**(b) Policy**

The Department of Public Works will make significant community outreach and public education efforts on each Public Art and Design Enhancement project. Possible activities may include:

- (1) Efforts to raise the level of general awareness about Public Art and Design Enhancement, such as slide lectures or presentations to various community groups and service organizations, a regular program of media coverage, and periodic "townhall" meetings in City Council districts.
- (2) Community involvement, including appropriate community meetings before the project is defined, community representation on the artist selection panels, community co-sponsorship of Public Art and Design Enhancement projects, and public "unveilings" or dedications.
- (3) More formal public education programs, including design competitions and design awards, sponsorship of Public Art and Design Enhancement lectures by local museums

and galleries, guided tours of Public Art and Design Enhancement in the City, and periodic symposia on Public Art and Design Enhancement.

- (4) A program for school children that includes the development of curriculum guides for Public Art and Design Enhancement, sponsorship of artist residencies in the public schools, and a speaker's bureau on Public Art and Design Enhancement for the school system.
- (5) Media relations efforts that target the local print and broadcast outlets, participation by the Public Art and Design Enhancement Advisory Committee and staff members on local media talk shows, and regular press development activities in the form of press releases and media packages.
- (6) A publication program that includes catalogs and guides to the City Art Collection, a newsletter to interested citizens, and the creation of posters to accompany the unveiling of new artworks.

### **35-658      *Local and Non-Local Artists.***

#### **(a)      *Purpose***

The City of San Antonio's Department of Public Works recognizes that the Public Art and Design Enhancement Program can serve more than one purpose. While the primary mission of the program is the enhancement of public spaces in San Antonio for the general benefit of its citizens and visitors, the Public Art and Design Enhancement Program can also be an important tool in developing the community of artists who reside in San Antonio and Texas.

#### **(b)      *Policy***

The Department of Public Works shall seek a balance in the awarding of contracts for the Design Enhancement and design projects among San Antonio-based, Texas, national and international artists. Factors such as the size of the Design Enhancement and design project, the level of visibility of the public site, the availability of outside funding, and state and federal regulations, all may influence the decision on the part of the Department of Public Works to seek artists from local, regional, national or international pool of artists. And, recognizing that it is difficult for San Antonio-based artists to participate in Design Enhancement projects unless they have previous experience, the Department of Public Works will seek special opportunities to help develop a growing pool of San Antonio-based artists with experience in Design Enhancements.